

PROPOSED ORDERS – BREVARD COUNTY

Brevard County judges accepting proposed orders through the portal are listed below. For information related to each judge's requirements, please select the link for the applicable judge. Failure to comply with the instructions for the applicable judge may result in your filing being moved to the Pending Queue for correction.

Judge Lisa Davidson – **Ctrl + Click to follow link**

Judge David Silverman – **Ctrl + Click to follow link**

Judge Rhonda Babb – **Ctrl + Click to follow link**

*****The proposed order functionality inserts the judge's signature and a Certificate of Service on all electronically signed orders. The inserted information may create additional pages from the originally submitted document. Be aware of the possibility of additional pages when ordering copies and determining recording fees. To confirm the number of pages of a completed document, view the attachment to the applicable Service of Court Document email that you received for the filing.*****

PILOT PROJECT – PROBATE PROPOSED ORDERS

*****To participate in this pilot project, you must first email Judge Davidson’s Judicial Assistant: chris.trammell@flcourts18.org*****

PROPOSED ORDER CRITERIA – PROBATE

Effective July 25, 2016, Judge Lisa Davidson has agreed to receive proposed orders through the portal for Formal Administration proceedings. The proposed orders that may be filed through the portal at this time are:

Order Admitting Will
Order Appointing Personal Representative
Letters of Administration
Order Determining Homestead Status (Formal Administration only)
Order Determining Exempt Property

Effective November 1, 2016, these orders MUST be submitted through the portal by all attorneys. Please continue to submit hard copies of all other Proposed Orders unless you received prior authorization to submit them through the portal.

FILING REQUIREMENTS

- Each filing must contain a Cover Letter and at least one proposed order.
- Filer must select himself/herself in the e-service list.
- **A Proposed Order resulting from a hearing should be e-mailed directly to the judge’s Judicial Assistant.**
- COVER LETTER
 - pdf format
- PROPOSED ORDER (samples attached)
 - Word document
 - No additional formatting – text boxes, macros, etc.
 - Each order must be submitted as a separate document.
 - Do not leave the bond amount blank in the appropriate order appointing personal representative in a formal administration (intestate or testate). Please insert “\$0” or “waived” as the amount of the bond.
 - Use the phrase “Done and Ordered” only as part of the judge’s signature block. The sign and file process strips all text after this phrase and inserts the judge’s signature and a Certificate of Service.
 - There cannot be any attachments to the proposed order.

IN THE CIRCUIT COURT IN AND
FOR BREVARD COUNTY, FLORIDA
PROBATE DIVISION

CASE NO: 05-2015-CP-012345-XXXX-XX

IN RE: ESTATE OF JANE DOE

ORDER APPOINTING PERSONAL REPRESENTATIVE
(Intestate)

On the Petition of MARY DOE for administration of the estate of JANE DOE, deceased, the court finding that the decedent died on January 1, 2016, and that MARY DOE is entitled to appointment as personal representative by reason of being the wife of the deceased and a devisee, it is

ADJUDGED that MARY DOE is appointed Personal Representative of the Estate of the Decedent, and that upon taking the prescribed oath, filing designation of resident agent and acceptance, and entering into bond in the sum of \$WAIVED, Letters of Administration shall be issued.

IN THE CIRCUIT COURT IN AND
FOR BREVARD COUNTY, FLORIDA
PROBATE DIVISION

CASE NO: 05-2015-CP-012345-XXXX-XX

IN RE: ESTATE OF JANE DOE

LETTERS OF ADMINISTRATION

TO ALL WHOM IT MAY CONCERN

WHEREAS, JANE DOE, a resident of Brevard County, FL, died on January 1, 2016, owning assets in the State of Florida, and

WHEREAS, MARY DOE, has been appointed personal representative of the estate of the Decedent and has performed all acts prerequisite to issuance of Letters of Administration in the Estate,

NOW, THEREFORE, I, the undersigned Circuit Judge, declare MARY DOE to be duly qualified under the laws of the State of Florida to act as personal representative of the estate of JANE DOE, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the Decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

PROPOSED ORDERS – JUDGE DAVID SILVERMAN

Effective Tuesday, September 6, 2016, Judge David Silverman will accept proposed orders through the portal for all divisions. However, he will **NOT** accept proposed Writs of Possession, Writs of Continuing Garnishment, and Writs of Replevin. Failure to follow the below guidelines may result in your filing being returned to the Correction Queue by the judge. You may wish to visit Judge Silverman’s website for more information regarding procedures related to cases assigned to him (www.davidsilverman.com).

FILING REQUIREMENTS

- Each filing must contain a Cover Letter and at least one proposed order. A preferred Cover Letter is included. The Cover Letter must be in pdf format.
- The Filer must select himself/herself in the e-service list and all other listed recipients.
- Use the phrase “Done and Ordered” only as part of the judge’s signature block. The sign and file process strips all text after this phrase and inserts the judge’s signature and a Certificate of Service.
- There cannot be any attachments to the proposed order (such as a Fact Information Sheet).

PROPOSED ORDER REQUIREMENTS

- Must be a Word document.
- No additional formatting – text boxes, macros, headers, footers, etc.
- Each order must be submitted as a separate document.
- Each order must contain the following statement:

It is further ORDERED and ADJUDGED that within 5 days from the date of eservice of this Order/Judgment the Plaintiff shall:

1. Furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, first class, postage paid; and,
2. File a certificate signed by Plaintiff’s counsel that delivery of this Order/Judgment as been made as set forth herein.

FINAL JUDGMENTS OF EVICTION

TO REQUEST A FINAL JUDGMENT OF EVICTION BE SIGNED BY JUDGE DAVID E. SILVERMAN

1. **AFTER** a Clerk’s Default or Notice that the Clerk will not be Issuing a Default has been issued;
2. Please submit the proposed “Final Judgment of Eviction” form via the e-portal.

Please note: The proposed “Final Judgment of Eviction” form can be found at davidsilverman.com/filings

UNCONTESTED DISSOLUTIONS OF MARRIAGE (UDOM)

TO SCHEDULE A FINAL HEARING before Judge David E. Silverman:

1. Please visit davidsilverman.com/calendar/UDOM; then
2. Email Jessica.Silva@flcourts18.org with case number and requested hearing date and time.
3. The morning of the scheduled final hearing, please upload the proposed “Final Judgment for Dissolution of Marriage” via the portal.

PROPOSED ORDERS – JUDGE RHONDA BABB

Effective Monday, January 9, 2017, Judge Rhonda Babb will accept proposed orders through the portal in the County Civil and Domestic Relations divisions. However, she will **NOT** accept proposed Writs of Possession, Writs of Continuing Garnishment, and Writs of Replevin. Failure to follow the below guidelines may result in your filing being returned to the Correction Queue by the judge.

FILING REQUIREMENTS

- Each filing must contain a Cover Letter and at least one proposed order. A preferred Cover Letter is included. The Cover Letter must be in pdf format.
- The Filer must select himself/herself in the e-service list and all other listed recipients.
- Use the phrase “Done and Ordered” only as part of the judge’s signature block. The sign and file process strips all text after this phrase and inserts the judge’s signature and a Certificate of Service.
- There cannot be any attachments to the proposed order (such as a Fact Information Sheet).

PROPOSED ORDER REQUIREMENTS

- Must be a Word document.
- No additional formatting – text boxes, macros, headers, footers, etc.
- Each order must be submitted as a separate document.
- Each order must contain the following statement:

It is further ORDERED and ADJUDGED that within 5 days from the date of eservice of this Order/Judgment the Plaintiff shall:

3. Furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, first class, postage paid; and,
4. File a certificate signed by Plaintiff’s counsel that delivery of this Order/Judgment as been made as set forth herein.

FINAL JUDGMENTS OF EVICTION

TO REQUEST A FINAL JUDGMENT OF EVICTION BE SIGNED BY JUDGE RHONDA BABB

3. **AFTER** a Clerk’s Default or Notice that the Clerk will not be Issuing a Default has been issued;
4. Please submit the proposed “Final Judgment of Eviction” form via the e-portal. A preferred judgment is included.

UNCONTESTED DISSOLUTIONS OF MARRIAGE (UDOM)

TO SCHEDULE A FINAL HEARING before Judge Rhonda Babb

1. Contact Judge Babb’s Judicial Assistant to schedule a hearing (321) 637-5604.
2. Bring the proposed Final Judgment and sufficient copies for conforming with you to the hearing.

Date of submission

Dear Judge Babb:

This letter accompanies a proposed Order or Judgment that is being submitted through the E-Portal for entry in the following case: Case Name: **Name of case**; Case Number: **Case number**. This proposed Order or Judgment is titled **Title of Order** and it comprises **Number of pages** pages.

This proposed Order or Judgment is submitted for entry after hearing on **Date of hearing** without hearing.

The opposing party has has not been furnished a copy of this proposed Order or Judgment. If furnished to the opposing party, it was furnished by **Email, U.S. Mail or other service** on **Date of service**. If furnished to the opposing party, the opposing party has has not objected to the proposed Order or Judgment.

The attorney or party submitting this proposed Order or Judgment is as follows: **Name of attorney or, if unrepresented, name of party**; **If attorney, Florida Bar Number**; **Email address**; **Mailing address**; and, **Telephone number**. The attorney or party is or represents the **Plaintiff or Defendant**.

Sincerely,

Name, title, email address and Florida Bar Number, if applicable, of person signing letter

IN THE COUNTY COURT OF
THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY
STATE OF FLORIDA

Name of Plaintiff,

Plaintiff(s),

vs.

Case No. **05-Year-CC-Number-XXXX-XX**

Name of Defendant,

Defendant(s).

_____ /

FINAL DEFAULT JUDGMENT FOR EVICTION

This cause coming before this Court on the date indicated below on the plaintiff's request for default judgment of eviction and the Court having reviewed the pleadings and the record of the Clerk's registry and the Court having been otherwise advised in the premises,

The defendant is in default as result of Choose an item. as required by §83.60(2), Florida Statutes, or other applicable law.

Therefore, it is hereby **ORDERED** and **ADJUDGED** as follows:

The plaintiff, **Plaintiff name**, recover from the defendant, **Defendant name**, possession of the real property described as follows: **Address of property in Complaint** upon rendition of this judgment, for which the Clerk of the County Court shall issue Writs of Possession forthwith.

The plaintiff **Plaintiff name**, recover from the defendant, **Defendant name**, Amount of costs or costs reserved for costs, for which execution issue. This judgment shall bear interest at the statutory rate.

The Court reserves jurisdiction to enforce this judgment and to award damages, costs, interest and attorneys fees, as may be proper under applicable law.

DONE and ORDERED on January 6, 2017, at Chambers in the Brevard County Courthouse, Melbourne, Florida.

Judge of the County Court

Copies Efiled and Delivered on January 6, 2017 by Judicial Assistant

Plaintiff(s) by **Choose an item.** – **Plaintiff name and address**

Defendant(s) by **Choose an item.** – **Defendant name and address**